



U.S. Department of Justice

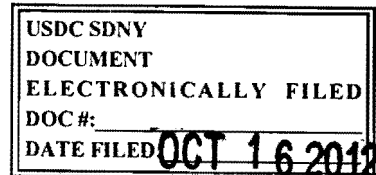
United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 12, 2012

By Electronic Mail

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007
ForrestNYSDChambers@nysd.uscourts.gov



Re: **United States v. Mustafa Kamel Mustafa, a/k/a "Abu Hamza"**
04 Cr. 356 (KBF)

Dear Judge Forrest:

We respectfully submit this letter to address issues relating to the appointment of counsel in the above-referenced case. As directed by the Court at the initial pretrial conference on October 9, 2012, we have conferred with Jeremy Schneider, Esq., to determine whether there are any issues relating to Mr. Schneider's prior representation of a particular defendant that would create a conflict in this case.

We provided Mr. Schneider with a list of five names, and asked him to search his files and confer with his law partner to determine what, if any, associations those individuals had with Mr. Schneider's former client. These five individuals included the defendant and four of his co-conspirators who will be discussed extensively at trial. We further inquired from Mr. Schneider about which training camps his former client attended, including whether his former client attended two specific training camps in Afghanistan. We made this inquiry because Mr. Schneider's former client admitted, in a post-arrest interview, to receiving weapons and explosives training in Afghanistan in 1994 through 1995. In addition, we expect that the evidence at trial will include testimony regarding the defendant and some of his co-conspirators at particular training camps in Afghanistan, including an explosives camp, around or shortly after the time period that Mr. Schneider's former client received training in Afghanistan.

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We have communicated with Mr. Schneider about this issue. Mr. Schneider has informed us that he and his partner are not entirely certain of the training camps that his former client attended, but it is their belief that he did not attend the specific camps that we identified. Mr. Schneider further explained that he and his partner have no recollection of their prior client ever speaking about any of the five individuals we identified, that they believe no conflict exists, and that they do not believe review or examination of their files is necessary. We also have searched our files and are unaware of any materials in our possession that would shed light on this issue.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/
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cc: Jeremy Schneider, Esq. (by electronic mail)